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January 10, 2014

Chad Griffin  
President  
Human Rights Campaign  
1640 Rhode Island Ave., N.W.  
Washington, D.C. 20036

Dear Mr. Griffin:

I write today in response to your letter, dated January 9, 2014, in which you urge the Attorneys General of the states that recognize same-sex marriages to recognize as valid in their respective states those Utah marriages entered into between December 20, 2013, and January 6, 2014. For the reasons set forth below, I want to make clear that the same-sex marriages recently entered into in Utah are recognized as valid here in Maryland.

We are witnessing a historic change in how the American people regard same-sex marriage. Maryland has been on the forefront of this change since 2010, when I issued my opinion concluding that same-sex marriages that are valid in the state in which they were performed would be recognized as valid here in Maryland. 95 *Opinions of the Attorney General* 3 (2010). The Maryland Court of Appeals reached the same conclusion in 2012, *Port v. Cowan*, 426 Md. 435 (2012), as did the people of Maryland, who resoundingly approved a ballot initiative that recognized the validity of same-sex marriages entered into here in Maryland. Since then, the list of states casting off antiquated marriage laws continues to grow.

The marriages at issue here were conducted within Utah in response to the order of the U.S. District Court for the District of Utah, which struck down as unconstitutional yet another such law, this one amending Utah's Constitution to declare that "[m]arriage consists only of the legal union between a man and a woman." The district court permanently enjoined the state from enforcing this and other provisions of Utah law to the extent they "prohibit a person from marrying another person of the same sex." *Kitchen v. Herbert*, Memorandum Decision and Order at 53 (No. 2:13-cv-00217-RJS, D. Utah Dec. 20, 2013). Although the U.S. Supreme Court, on January 6, 2014, stayed the

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effect of the district court order pending resolution of the litigation, *Herbert v. Kitchen*, Order in Pending Case No. 13A687 (Jan. 6, 2014), it did not invalidate the marriages that were entered into in Utah during the period of time in which the district court's order was in place. Those marriages were validly entered into, as is reflected in statements that Gov. Herbert and Utah Attorney General Sean D. Reyes have made since the district court's order and recently confirmed. *See, e.g.*, Letter from Gov. Herbert to Cabinet Members (directing state agencies to conduct business in compliance with the federal judge's ruling until such time that the current district court decision is addressed by the 10th Circuit Court") (*available at* [http://www.utah.gov/governor/news\\_media/article.html?article=9593](http://www.utah.gov/governor/news_media/article.html?article=9593)).

Although Utah officials have stated that no new marriages may be solemnized, and that the state would not recognize the already-solemnized marriages for purposes of providing additional state benefits, we are not aware of any court ruling or position of the Utah Attorney General that such marriages are no longer legally valid. In fact, the Utah Attorney General has made clear that the marriages at issue are valid for purposes of providing "proper documentation in states that recognize same-sex marriage." Letter from Attorney General Sean D. Reyes to All County Attorneys and County Clerks in the State of Utah (Jan. 9, 2014) (*available at* <http://attorneygeneral.utah.gov/2014/01/09/attorney-general-sean-d-reyes-counsels-county-attorneys-and-county-clerks-in-utah/>). Because they are valid in the state where solemnized, Maryland law recognizes these marriages as valid in Maryland as well.

It is an affront to the idea of basic human rights that the battle for full marriage equality in this country remains in headlines and courtrooms. Nevertheless, as courts and legislatures accord same-sex couples the dignity and humanity they deserve, we as a nation move closer to fulfilling the Constitution's promise of equal protection of the law. Maryland will continue to recognize valid out-of-state same-sex marriages as we continue to advance that effort wherever and whenever we can.

Sincerely,

A handwritten signature in blue ink, reading "Douglas F. Gansler". The signature is fluid and cursive, with the first name "Douglas" being more prominent and the last name "Gansler" following in a similar style.

Douglas F. Gansler  
Attorney General